

Mayor Bill Seuell called the meeting to order at 7:00 p.m. Also present were Councilmembers Mary Cooper, Jim Berger, Kay Carlquist and Robert Jurca, along with City Manager Lanny Sloan. City Attorney Mike Schottelkotte arrived later in the meeting. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Berger and seconded by Councilmember Carlquist to approve the minutes of the March 20, 2007 meeting as presented. All in favor, motion carried.

Citizen Comments

There were none.

Chamber of Commerce Report**Business Enhancement Program**

Brian Cambria, Executive Director for the Delta Area Chamber of Commerce, presented a "Report to the Delta City Council on the Business Enhancement Program." The report addressed the **Buy into Delta** campaign, the **Delta Dollars** program, the Chamber's new website, upcoming events, the Business Enhancement educational outreach program, grants applied for and/or received, business development/community assessment, and projects for 2007. Mr. Cambria also presented the 2007 Business Enhancement Budget.

Sales Tax Vendors' Fee

Mr. Cambria presented the Delta Area Chamber of Commerce Board of Directors' request for Council consideration of an ordinance that would reinstate Section 3.04.340 of the Delta Municipal Code, which was repealed in 2001. The Chamber-proposed ordinance would reestablish the sales tax vendors' fee and place it in abeyance for the purpose of funding retail enhancement activities. The proposed ordinance would also place a five-year limit on the abeyance and provide a mechanism by which, at the end of the five years, the City and the retailers could determine whether the fee would continue to be held in abeyance or if it would be returned to the retailers.

City Attorney Schottelkotte arrived at 7:24 p.m.

After a brief discussion, it was the consensus of Council to pursue the request.

301 Main Street Lease

The Chamber Director reminded Council that since 1988, the Chamber of Commerce has leased the City-owned building at 301 Main Street as City offices. The Chamber pays no rent and has an option to purchase the building for \$1.00 any time before the lease expires on December 31, 2007.

The Chamber Board feels that it would be in the interest of both parties to extend the lease under the current terms to December 31, 2027. The Board has asked Council to give the matter serious consideration and to give the Chamber a decision no later than May 31, 2007.

Council agreed that City staff should meet with Chamber representatives to discuss this matter and bring a recommendation back to Council.

Sale of City Property Known as "Golf Course Property"

City Manager Sloan explained that the City has received a cash offer of \$1,150,000 from Bray and Company for the property adjacent to Devil's Thumb Golf Course. The offer was initially presented to Council at an earlier meeting, and public input was sought. Two responses were

Regular Meeting, Delta City Council, April 3, 2007 (Cont.)

Sale of City Property (Cont.)

received – one in favor, and one against. The citizen who opposed the sale of the property cited concerns about selenium in the area.

In reviewing the proposed contract with the City Attorney, staff identified the following issues:

- The buyer would like all water rights associated with the property. The City Manager pointed out that there are actually no water rights included.
- The buyer has requested a first right of refusal to purchase property adjacent to the subject property for a period of ten years.
- The buyer has asked the City to cooperate in any planning, zoning and development procedures necessary for the development of the property. The Manager explained that the buyer is not asking for special treatment, but only to be treated the same as any other developer in its dealings with the City on the development of the land.
- The buyer has asked to lease water from the City, much as the City leases water to other landowners in the area. Mr. Sloan explained that this might not be possible on a long-term basis.
- An easement for the proposed power line will need to be retained.

Manager Sloan asked Council for authority to work out an agreement with Bray and Company and to authorize the Mayor to sign the final documents. He explained that it is likely that an agreement can be reached with Bray and Company before the next Council meeting. The sale would be final 180 days after the date of the contract.

Discussion followed, with questions raised concerning the onion preserve in the area, ownership of mineral rights, whether or not septic systems would be used in the new development, and what type of landscaping would be used in the development. Manager Sloan and Kevin Bray responded to the questions.

It was moved by Councilmember Berger and seconded by Councilmember Carlquist to authorize the Mayor to sign the necessary documents for the sale of the golf course property to Bray and Company for \$1,150,000, and that the funds, when received, be used to pay off golf course indebtedness. All in favor, motion carried.

Three Mile Plan (SB-45 Plan)

Community Development Director Glen Black explained that the City is required by CRS 31-12-105(e)(I) to adopt a Three Mile Plan (previously referred to as the SB-45 Plan) defining the City's planning area. The statute also requires the plan to be reviewed and updated annually. The Planning Commission reviewed the plan at their April 2nd meeting and recommended approval.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the Three Mile Plan as presented. All in favor, motion carried.

Comprehensive Plan Update

Director Black reported that he and Assistant City Manager Steve Glammeyer had made a presentation to the Department of Local Affairs Energy/Mineral Impact Advisory Committee at their meeting on March 22, 2007. The Committee gave verbal approval of the funding requested for the City's Comprehensive Plan Update. Official approval is expected this week.

Staff has contacted Four Corners Planning and Design Group and has received a proposed contract, which is being reviewed by the City Attorney. Staff is requesting Council to authorize the City Manager to enter into a contract with Four Corners upon receipt of official approval of the DOLA grant. The grant will pay half of the \$59,943 contract price. The remaining \$29,972 was included in the 2007 budget.

Mr. Black added that Four Corners has asked the City to begin the process of determining who will serve on the steering committee and to identify up to 25 informed citizens to be interviewed for the committee. He invited Council to make a list of key people they believe should be interviewed.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to authorize the City Manager to enter into a contract with Four Corners Planning and Design Group for the City of Delta Comprehensive Plan. All in favor, motion carried.

Regular Meeting, Delta City Council, April 3, 2007 (Cont.)

Retail Liquor Store License Renewal Application: D&B Liquors

The Clerk reported that the renewal application for D&B Liquors was complete and that all fees had been paid. The Police Department reported no liquor code violations during the past year and recommended approval of the renewal application.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the retail liquor store license renewal application for D&B Liquors. All in favor, motion carried.

Equipment Purchases

Utilities Director Fay Mathews withdrew the purchase of the sewer jetter for the time being. He explained that staff will be traveling to Avon on Thursday for a demonstration which has been arranged by one of the vendors.

Mr. Mathews noted that the 2007 budget included \$52,000 for two pickups. Rather than request bids for two new pickups, which were estimated at \$28,000 each, staff decided to check with local dealers for good used pickups. Two pickups were found that met the City's specifications. Hellman Ford had a new white 2006 Dodge Dakota with zero miles for \$21,487. Hellman Chevrolet had a used 2006 white Dodge Dakota with 18,000 miles for \$15,165. Both are four-wheel drive, quad cab vehicles. The Hellman Chevrolet vehicle was purchased outright, and tonight staff is requesting Council approval for purchase of the pickup from Hellman Ford for \$21,487.

It was moved by Councilmember Berger and seconded by Councilmember Jurca to purchase the 2006 Dodge Dakota from Hellman Ford for \$21,487. All in favor, motion carried.

Council Bill #13, 2007; First Reading; Consenting to Assignment of Kinder Morgan Franchise

Attorney Schottelkotte noted that he had spoken briefly with Council several months ago concerning a proposed assignment of the KN Energy franchise to Source Gas Distribution, LLC. The Charter authorizes Council to approve such an assignment if the Colorado Public Utilities Commission has first approved the transfer of assets. PUC approval was given on March 26, 2007, and KN Energy is now asking Council to approve the assignment of the City franchise.

Council Bill #13, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CONSENTING TO THE ASSIGNMENT BY KINDER MORGAN,
INC. OF ORDINANCE NO. 24, 1999, AS AMENDED BY
ORDINANCE NO. 13, 2005, ALSO KNOWN AS THE KN
ENERGY, INC. FRANCHISE, TO SOURCE GAS DISTRIBUTION,
LLC

was read by the Clerk.

It was moved by Councilmember Carlquist and seconded by Councilmember Cooper to adopt Council Bill #13, 2007 on first reading. Roll call vote: Councilmembers Cooper, aye; Berger, aye; Carlquist, aye; Jurca, aye; and Seuell, aye. Motion carried.

Ordinance #10, 2007; Second and Final Reading; Initial Zoning of the Northeast Garnet Addition

Ordinance #10, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING INITIAL ZONING FOR THE NORTHEAST GARNET
ADDITION

was introduced as Council Bill #10, 2007 and read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Berger to adopt Council Bill #10, 2007 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Berger, aye; Carlquist, aye; Jurca, aye; and Seuell, aye. Council Bill #10, 2007 was adopted on second and final reading as Ordinance #10, 2007.

Regular Meeting, Delta City Council

Ordinance #11, 2007; Second and Final Reading; Rezoning of 1331 A Street

Mayor Seuell explained that he owns property immediately adjoining the property being rezoned, and recused himself. Mayor Seuell left the meeting room and Mayor Pro Tem Cooper chaired the following portion of the meeting.

Ordinance #11, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CHANGING THE ZONING DESIGNATION OF PROPERTY AT
1331 A STREET FROM AN R-R DISTRICT TO AN A-1 DISTRICT

was introduced as Council Bill #11, 2007 and read by the Clerk.

It was moved by Councilmember Berger and seconded by Councilmember Jurca to adopt Council Bill #11, 2007 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Berger, aye; Carlquist, aye; and Jurca, aye. Council Bill #11, 2007 was adopted on second and final reading as Ordinance #11, 2007.

Mayor Seuell returned to the meeting room and resumed the chair..

Ordinance #12, 2007; Second and Final Reading; Modifying Monument Requirements

Ordinance #12, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING SECTION 16.04.070(J) OF THE DELTA MUNICIPAL
CODE TO MODIFY REQUIREMENTS FOR SURVEY
MONUMENTS PERTAINING TO LOTS AND STREETS IN CITY
SUBDIVISIONS

was introduced as Council Bill #12, 2007 and read by the Clerk.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Council Bill #12, 2007 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Berger, aye; Carlquist, aye; Jurca, aye; and Seuell, aye. Council Bill #12, 2007 was adopted on second and final reading as Ordinance #12, 2007.

Proclamations: Abstinence Awareness Week; Crime Victims' Awareness Week; Week of the Young Child

Mayor Seuell read proclamations naming the week of April 15 – 21 as **Abstinence Awareness Week**; the week of April 22 – 28 as **National Crime Victims' Rights Week**; and the week of April 23 – 28 as **The Week of the Young Child**.

City Attorney Comments

The City Attorney had no comments.

City Manager Comments

Manager Sloan reported that the asbestos removal project at City Hall is now underway. As a result, the alley behind the building will be blocked from time to time.

The railroad project is moving right along, with the crew working seven days on and seven days off.

Staff is working on the revision of committees requested by Council and hopes to have a recommendation for Council at their next meeting.

Councilmember Comments

Councilmember Berger reported on the following meetings he had attended:

- Project 7 – Attended the annual meeting, at which the financial audit was presented, as was the 2006 annual water quality report; also discussed the proposed Tri-County water treatment plant.
- Delta Housing Authority – Attended monthly board meeting, at which the board committed to move forward with the work force housing project.

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Councilmember Comments (Cont.)

Mr. Berger also asked Council if they had reviewed the City Manager performance appraisal forms. Council agreed to do so and discuss the matter at the next meeting.

Mayor Seuell mentioned Marine Lance Corporal Bryan Chambers who was severely wounded in Iraq several weeks ago. Corporal Chambers is hospitalized in Bethesda, Maryland. The Mayor distributed the address and asked people to send get well cards to the young Marine.

The meeting was adjourned at 8:30 p.m.

Mary Lynn Williams, CMC, City Clerk